

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

HECTOR SANTILLAN

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/26/2023

1:13-cr-138 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

The Court is in receipt of a *pro se* letter motion filed by Mr. Santillan, requesting that this Court “grant full access to documents of the case to Luis De La Cruz and allow him to file motions and petitions as a ‘NEXT FRIEND.’” [ECF No. 163.] Santillan describes Mr. De La Cruz as his “friend” who will “help research the legal theories behind a motion for appointment of counsel in the 2255 case.” [ECF No. 163.] The request is DENIED.

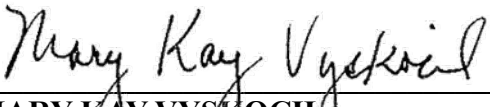
“[A] non-attorney is not allowed to represent another individual in federal court litigation without the assistance of counsel.” *Berrios v. New York City Hous. Auth.*, 564 F.3d 130, 134 (2d Cir. 2009); *see also United States v. Vilar*, No. 05-cr-621 (RJS), 2022 WL 17666363, at *1 (S.D.N.Y. Dec. 13, 2022) (“[S]ubmissions must come from the parties themselves or their attorney representatives; generally speaking, non-attorneys may not represent others in court proceedings and are not permitted to file submissions advocating on their behalf.”). Mr. Santillan does not represent that Mr. De La Cruz is an attorney. Accordingly, Mr. De La Cruz may not file petitions or motions on behalf of Mr. Santillan.

Further, Mr. Santillan’s 28 U.S.C. § 2255 motion [ECF No. 155] is fully briefed—and had been for *over seven months* before Mr. Santillan filed this next friend letter motion. Thus, there are no “legal theories” for Mr. De La Cruz—or *pro bono* counsel—to research.

The Clerk of Court is respectfully requested to terminate ECF No. 163 and to mail a copy of this Order to Mr. Santillan.

SO ORDERED.

Date: June 26, 2023
New York, NY



MARY KAY VYSKOČIL
United States District Judge